



Crl.O.P.(MD)No.822 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.822 of 2025

Ajitha

... Petitioner

Vs.

1.The State rep., by
The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanniyakumari District.

2.The State rep., by
The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.

3.Ashok

4.Andrews Mani

5.Andre Sagaya jestin

6.Magesh

7.Muthukumar

8.Yesuraja

9.Jestin

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent to comply with the order passed in C.M.P.No.339 of 2024 dated 07.11.2024 by the learned Judicial Magistrate, Additional Mahila Court, Nagercoil, and consequently, direct the second respondent to register the first information report against the



Crl.O.P.(MD)No.822 of 2025

third to ninth respondents on the basis of the complaint dated 16.06.2024 and investigate the case in accordance with law.

For Petitioner : Mr.U.Kathiravan
For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioner /lady lodged a complaint to the respondent police on 16.06.2024 stating that the petitioner's father, namely, Sagaya Edwart Rajan had purchased four cents of land situated at Navamani Road, Alagappapuram, from one Cecil Bennet Claster in the year 2021 and the passage to the land lies towards southern east side. The counter petitioners in this case had attempted to close the passage and obstructed the movement of the petitioner. On 15.06.2024 at about 05.20 pm., they had attempted to put up a compound wall in that place. Thereafter, complaint has been lodged. Previously, the petitioner had lodged a complaint, so that the Sub-Inspector of Police, had informed the petitioner to approach the Court and get orders. On 18.06.2024, construction was commenced and when the same was questioned by the petitioner and her mother, the counter-petitioners abused them and also assaulted and pushed down. The petitioner is living with her widowed



Crl.O.P.(MD)No.822 of 2025

mother. The counter-petitioners are politically well connected and one of them is councillor, who had also caused constant threat to them. The police had recorded the case as neighbor quarrel, nothing more. The petitioner had got admitted in the Government Medical College and Hospital, Asaripallam, Kanyakumari and took treatment for 6 days as in-patient. They had also produced medical record and photograph, but the respondent police has not conducted any proper enquiry and thereafter, finding that no action has been taken, the petitioner had approached the learned Judicial Magistrate, Additional Mahila Court, Nagercoil. The learned Judicial Magistrate passed an order in C.M.P.No.339 of 2024 on 07.11.2024 directed the Inspector of Police Anjugramam Police Station to conduct enquiry and report the same within one month, following the Lalitha Kumari' case. But thereafter, no action has been taken. Hence, the above petition.

2. The learned Additional Public Prosecutor submitted that on the direction of the learned Judicial Magistrate, the Inspector of Police had conducted enquiry and closed the case, but the same has not been submitted before the Magistrate Court as well as not informed to the petitioner. He fairly submitted that in the report except for previous CSR



Crl.O.P.(MD)No.822 of 2025

statement of the petitioner and counter-petitioner, sale deed document, rough sketch and pendrive content, video were only considered. As regards the injury sustained by the petitioner and got admitted in the Government Hospital and taken treatment as in-patient was not registered. Wound certificate have been collected and Doctor has not been examined.

3. Considering the submission and perusal of the materials, it is seen that the petitioner is the lady and living with her widowed mother. Her father purchased property in the year 2021 and the passage of property was obstructed by the counter-petitioners and when the same was questioned, the petitioner and her mother was abused and attacked and thereby, they had taken treatment as in patient in Government Hospital. It is also seen that the persons with means and they are also well connected with political parties, the apprehension of the petitioner appears to be real and enquiry has not been conducted properly. In view of the same, this Court set aside the closure report preferred by the Sub-Inspector of Police, Anjugramam Police Station and the Sub-Inspector of Police is directed to place all the case papers and materials before the Deputy Superintendent of Police, Kanyakumari. The Deputy



Crl.O.P.(MD)No.822 of 2025

Superintendent of Police is directed to conduct fresh enquiry and dispose of petitioner's complaint on its own merits.

4. With the above direction, this Criminal Original Petition is disposed of.

20.01.2025

NCC : Yes / No
Index : Yes / No
Rmk

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil, Kanniyakumari District.
- 2.The Inspector of Police,
Anjugramam Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.822 of 2025

M.NIRMAL KUMAR, J.

Rmk

Crl.O.P.(MD)No.822 of 2025

20.01.2025